

Gregory Rueb, Esq. (CA SBN 154589)  
**DALIMONTE RUEB STOLLER, LLP**  
515 S Figueroa St, Ste 1550  
Los Angeles, CA 90071  
Tel: (949) 375-6843  
Fax: (855) 203-2035  
[greg@drllawllp.com](mailto:greg@drllawllp.com)

Brian Nettles, Esq. (NV SBN 7462)  
**NETTLES MORRIS, Law Firm**  
1389 Galleria Drive, Ste 200  
Henderson, NV 89014  
Telephone: (702) 434-8282  
[brian@nettlesmorris.com](mailto:brian@nettlesmorris.com)

*Attorneys for Plaintiff*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

ROBERT BURAN,  
Plaintiff,

v

C R BARD INCORPORATED, et al  
Defendants,

Case No. 2:20-cv-00608-APG-BNW

**MOTION FOR LEAVE TO  
WITHDRAW AS COUNSEL**

Counsel for Plaintiff respectfully requests this Court permit the withdrawal of Brian David Nettles of the Law Offices of Brian D. Nettles, Ltd., and John A. Dalimonte and Gregory David Rueb of the firm of Dalimonte Rueb Stoller, LLP (“DRS”), and Teresa C. Toriseva of the firm of Toriseva Law (“Toriseva”), as counsel for Plaintiff. In support of this motion, Plaintiff’s counsel states as follows:

1. Plaintiff originally filed the above-captioned case directly in the *In Re: Bard IVC Filters Products Liability Litigation*, MDL 2641 (the “Bard MDL”), in the United

1 States District Court for the District of Arizona (“MDL Court”), pursuant to a direct filing  
2 order in that court. DRS was, and is, counsel for Plaintiff in this action.

3 2. Toriseva and Dalimonte were counsel of record for Plaintiff on this case in  
4 the Bard MDL.

5 3. On March 5, 2020, Judge Campbell, the judge presiding over the Bard MDL,  
6 entered a *Suggestion of Remand and Transfer Order* transferring the above-captioned case  
7 to this Court. See Suggestion of Remand and Transfer Order Doc. 4.

8 4. At the time of its transfer, Toriseva and John A. Dalimonte (“Dalimonte”)  
9 were and remained listed as counsel of record for Plaintiff in this case.

10 5. Toriseva and Dalimonte have not made an appearance before this Court in  
11 this case and have not been admitted *pro hac vice* in this Court in this case. Plaintiff has  
12 engaged Brian David Nettles of the Law offices of Brian D. Nettles, Ltd., to serve as local  
13 counsel and to represent Plaintiff Robert Buran. Mr. Nettles was approved by the court as  
14 local counsel in this case on behalf of Plaintiff on August 13, 2020 [Dkt No. 27].

15 6. In addition, the law firm of DRS continued to represent Plaintiff in this action  
16 as lead counsel. Gregory D. Rueb has been admitted and appeared *pro hac vice*.

17 7. A client’s failure to communicate with counsel warrants withdrawal. *See*  
18 *Collins v. Anderson Dairy, Inc.*, 2006 WL 8442523, at \*1-2 (D. Nev. June 1, 2006) (granting  
19 motion to withdraw where client failed to communicate with attorney); *Alutiqq Int’*  
20 *Solutions, LLC v. OIC Marianas Ins. Corp.*, 2014 WL 12782816, at \*3 (D. Nev. June 2,  
21 2014) (noting prior order granting motion to withdraw for failure of party to communicate  
22 with attorney).

23 8. Plaintiff has been given notice of his failure to satisfy his obligations to  
24 counsel and provided reasonable warning that we will move to withdraw unless his  
25 obligations were fulfilled, in accordance with Nevada Rule of Professional Conduct  
26 1.16(b)(5).

1           9.     The Declaration of John A. Dalimonte, attached as Ex. 1 and filed under seal,  
2 details counsel's efforts to communicate with Plaintiff and Plaintiff's lack of  
3 responsiveness.

4           10.    No trial has been set in this matter. There are no upcoming discovery or  
5 motion deadlines. As a result, withdrawal will not result in delay.

6           For the foregoing reasons, undersigned counsel respectfully requests that the Court  
7 enter an order granting this motion and granting Brian David Nettles of the Law Offices of  
8 Brian D. Nettles, Ltd., and John A. Dalimonte and Gregory David Rueb of the firm of DRS,  
9 and Teresa C. Toriseva of the firm of Toriseva Law, leave to withdraw as counsel for  
10 Plaintiff in this case. Counsel for Plaintiff has served a copy of this Motion on Plaintiff via  
11 certified mail.

12 DATED: this 4th day of November 2021.

13                               **Order**

14           IT IS ORDERED that ECF No. 39 is GRANTED subject to counsel fulfilling the  
15 orders below.

16           IT IS FURTHER ORDERED that Plaintiff's counsel must file a notice of  
17 Plaintiff's last-known address by 11/12/2021 so the Court may update its  
18 docket.

19           IT IS FURTHER ORDERED that Plaintiff's counsel must serve a copy of this  
20 Order on Plaintiff by 11/12/2021.

21           IT IS FURTHER ORDERED that Plaintiff's counsel must file a notice with the  
22 Court by 11/12/2021 confirming that it served a copy of this Order on Plaintiff.

23           IT IS FURTHER ORDERED that Plaintiff must file a notice with the Court by  
24 12/3/2021 indicating whether he intends to continue prosecuting this case.  
25 Failure to comply with this Order may result in a recommendation to the district  
26 judge that this case be dismissed.

27                               IT IS SO ORDERED

28                               DATED: 11:07 am, November 05, 2021



BRENDA WEKSLER  
UNITED STATES MAGISTRATE JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that on **November 4, 2021**, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the CM/ECF participants registered to receive such service:

By: /s/ Gregory D. Rueb